



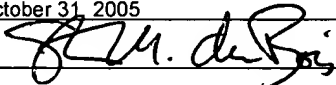
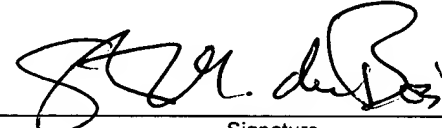
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		CARAU001	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>October 31, 2005</u></p> <p>Signature <u></u></p> <p>Typed or printed Name <u>Steven M. duBois</u></p>		<p>Application Number</p> <p>09/850,149</p>	<p>Filed</p> <p>May 8, 2001</p>
		<p>First Named Inventor</p> <p>Clifton A. Rau</p>	
		<p>Art Unit</p> <p>2128</p>	<p>Examiner</p> <p>Hugh M. Jones</p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>35,023</u></p> <p> Signature <u>Steven M. duBois</u> Typed or printed name <u>(540) 361-1863</u> Telephone number <u>October 31, 2005</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

if you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent
Attorney's Docket No. CARAU001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Clifton A. RAU)	Group Art Unit: 2128
Application No.: 09/850,149)	Examiner: Hugh M. Jones
Filed: May 8, 2001)	
For: MODEL RAILROAD CONTROL)	
AND DISPLAY SYSTEM)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Concurrent with the filing of a Notice of Appeal in connection with the above-identified application, the undersigned requests review of the Final Rejection dated July 26, 2005. Claims 1-11, 13-15 and 18-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being clearly anticipated by Tanner et al. (U.S. Patent No. 6,445,150 B1). Prior to discussing this ground of rejection in detail, a brief summary of exemplary embodiments of the present invention is provided below in order to highlight some of the advantageous characteristics thereof.

According to these exemplary embodiments of the present invention the model railroad hobbyist is provided with a method of creating a facsimile of the hobbyist's layout to be presented on a computer monitor, an electrical interface between the computer, computer monitor, and the track turnout motors, and software programs which provide for a graphical editor which is usable to generate encoded commands for altering the status of turnouts in a layout. Some additional features according to exemplary embodiments of the present invention include a specific visual indication of where a train can currently run (and currently cannot run) on the layout, a plurality of addressable registers, the use of a triac and a coil latching relay, an editing function that identifies the graphic type, and an interface unit controlled by a graphical user interface.

The cited Tanner patent discloses an apparatus and method for controlling electrical devices such as electric trains using a computer, however, many of the features that are claimed by Applicant are not disclosed in the Tanner patent and, therefore, Tanner cannot reasonably be said to be anticipatory thereof. Specific examples of Applicant's claimed features that are not disclosed by Tanner will be shown below with respect to the claims.

Independent Claim 20

A model railroad system comprising:

- a) a graphical user interface displaying a representation of said model railroad system on a display, wherein a first portion of said model railroad layout is displayed using a first visual characteristic and a second portion of said model railroad layout is displayed using a second visual characteristic, wherein said first portion is selected to allow train movement thereon, and wherein said second portion is deselected to prevent train movement thereon;
- b) said graphical user interface including an editing function that selectively permits a user to, rotate, move, delete and join a track portion based on a type of track portion which is selected; and
- c) an interface unit controlled by said graphical user interface to translate a command received from a computer into a motor control command for controlling at least one element within a model railroad system, said interface unit including:
a plurality of addressable units for receiving address information and data information within said command, wherein one of said plurality of addressable units that corresponds to said address information within said command translates said data information into said motor control command and outputs said motor control command, wherein said plurality of addressable units includes a set of decoders and a plurality of addressable registers, and wherein said command includes three address bits, four group bits and one data bit.

In the Official Action dated July 26, 2005 it is difficult to discern how the Examiner came to the conclusion that all of the elements of claim 20 are clearly disclosed in Tanner. Comparing Applicant's claim 20 combination to the cited sections of Tanner, at least 3 claim elements are not disclosed either by themselves or as part of the entire claimed combination.

For example, with respect to claim element a), the cited sections of Tanner (col. 15, lines 21-50, fig. 15-19, col. 9, line 40 to col.10, line 19, col. 13, lines 24-35, and fig. 10-11) describe software that can enable/disable certain sections of a layout, and that a pair of polarity buttons can be used to visually control the direction of travel of the turnout. However, that is not the same as Applicant's claim element a) wherein a first portion of said model railroad layout is displayed using a first visual

characteristic and a second portion of said model railroad layout is displayed using a second visual characteristic, wherein said first portion is selected to allow train movement thereon, and wherein said second portion is deselected to prevent train movement thereon. In one exemplary embodiment, and as set forth e.g., in claim 19, the first visual characteristic is the color green and the second visual characteristic is the color red.

With respect to claim element b) Applicant respectfully disagrees that Tanner discloses an editing function that selectively permits a user to rotate, move, delete and join a track portion based on a type of track portion which is selected. Instead, the cited portion of Tanner (figs. 3, 10, 13-19, and corresponding text) merely describes that a menu driven interface provides an easy to use interface that can be customized to conform to a specific user's layout, and that the functions of displaying a motor profile, selecting an area of the layout for enabling or disabling, and zooming exist.

With respect to claim element c) while the cited sections of Tanner (col.5, lines 40-53, col. 10, lines 20-51, col. 11 lines 23-54, col. 14, lines 16-58, figs. 4A, 11 and 12) do describe using an 8-bit solenoid address and a 4-bit addressing scheme, this is not identical to Applicant's claim element c) wherein the command includes three address bits, four group bits and one data bit.

Independent Claims 1 and 11

Independent claims 1 and 11 are also not disclosed by Tanner. Specifically claim 1 recites "wherein a first portion of said model railroad layout is displayed using a first visual characteristic and a second portion of said model railroad layout is displayed using a second visual characteristic, wherein said first portion is selected to allow train movement thereon, and wherein said second portion is deselected to prevent train movement thereon." This feature is not disclosed in Tanner, as described above with respect to claim 20. Claim 11 recites "wherein said plurality of addressable units includes a set of decoders and a plurality of addressable registers, and wherein said command includes three address bits, four group bits and one data bit." This feature is also not disclosed in Tanner, as

described above with respect to claim 20.

Dependent Claims 14, 15, 18 and 19

Each of the dependent claims 14, 15, 18 and 19 contain elements not disclosed in Tanner, nor were sections of Tanner specifically cited by the Examiner to support the position that Tanner allegedly anticipates these claims. For claim 14, Tanner does not disclose a triac connected to each of the resistors in a resistor bank. For claim 15, Tanner does not disclose a coil latching relay connected to each of said plurality of addressable registers. For claim 18, Tanner does not disclose wherein editing comprises the steps of: identifying a graphic type associated with a type of model railroad track to be edited; and providing a list of editing functions based on the type of track to be edited, wherein said list includes a joining function if said track to be edited is a turnout section, a change length function if said track to be edited is a straight section and a trim function if said track to be edited is a curved section. For claim 19, Tanner does not disclose wherein said first visual characteristic is green; and said second visual characteristic is red.

For at least the foregoing reasons, it is respectfully submitted that the claims are not anticipated by the applied Tanner patent. Accordingly, reconsideration and withdrawal of the final rejection is requested.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By: 

Steven M. duBois

Registration No. 35,023

Date: October 31, 2005

Potomac Patent Group, PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-1863